IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 3664 of 2006
Date of Decision: 26.7.2007

Haryana State ...Appellant

Versus

Ramesh Chand and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Sidharth Sarup, AAG, Haryana.
Shri Jagdish Manchanda, Advocate, for respondent Nos. 1 to 6.
Shri Rajnish Narula, Advocate, for respondent No. 7.

HEMANT GUPTA, J.

The defendant is in second appeal, aggrieved against the judgment and decree passed by the Courts below, whereby the suit for damages on account of negligence in the treatment of Smt. Labho Devi, in Civil Hospital, Pehowa, on account of which she died on 18.1.2001.

It has been found that Smt. Labho Devi opted to go for tubectomy operation and after the injunction was given, her condition deteriorated, whereupon she was removed to LNJP, Hospital, Kurukshetra, where she died on 18.1.2001.

The learned first Appellate Court, has awarded damages to the tune of Rs.2 lacs, over and above a sum of Rs.35,000/- given to the family as ex-gratia on account of death of Labho Devi. It has been found that she died even before the tubectomy operation was performed upon her, as her condition deteriorated on account of having administered the injunction.

In view of the fact that her condition deteriorated soon after the injunction was given, the finding recorded that Labho Devi died on account of negligence of the medical staff, cannot be said to be suffering from any patent illegality or irregularity, which may give rise to any substantial question of law in the present second appeal.

Hence, the present appeal is dismissed.

26-07-2007 (HEMANT GUPTA)
ds JUDGE